

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

Case: 2:15-mj-30054
Judge: Unassigned,
Filed: 02-06-2015 At 12:15 PM
USA v. Omar Mohammed Ahmed Al Farei

OMAR MOHAMMED AHMED AL FAREI,

Defendant.

**GOVERNMENT'S PETITION
FOR TRANSFER OF DEFENDANT TO
ANOTHER DISTRICT AND SUPPORTING BRIEF**

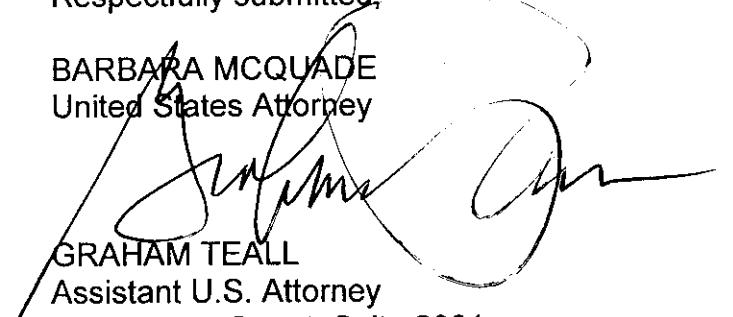
Pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, the United States of America hereby petitions the Court for an order transferring defendant **OMAR MOHAMMED AHMED AL FAREI** to answer to charges pending in another federal district, and states:

1. On February 5, 2015, defendant was arrested in the Eastern District of Michigan in connection with a federal arrest warrant issued in the Eastern District of New York based on a complaint. Defendant is charged in that district with a violation Visa Fraud - 18 U.S.C. Section 1546.
2. Rule 5 requires this Court to determine whether defendant is the person named in the arrest warrant and is entitled to a preliminary examination as described in Paragraph One above. See Fed. R. Crim. P. 5(c)(3)(D)(ii).

WHEREFORE, the government requests this Court to conduct transfer proceedings in accordance with Rule 5 of the Federal Rules of Criminal Procedure.

Respectfully submitted,

BARBARA MCQUADE
United States Attorney


GRAHAM TEALL
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, MI 48226
(313) 226-9100

Dated: February 6, 2015

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

United States of America
v.
OMAR MOHAMMED AHMED AL FAREI

Case:2:15-mj-30054
Judge: Unassigned,
Filed: 02-06-2015 At 12:15 PM
USA v. Omar Mohammed Ahmed Al Farei

Defendant

ARREST WARRANT

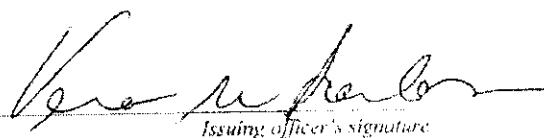
To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
 (name of person to be arrested) OMAR MOHAMMED AHMED AL FAREI,
 who is accused of an offense or violation based on the following document filed with the court:

Indictment Superseding Indictment Information Superseding Information Complaint
 Probation Violation Petition Supervised Release Violation Petition Violation Notice Order of the Court

This offense is briefly described as follows:

Visa Fraud, in violation of Title 18, United States Code, Section 1546

Date: 02/03/2015

 Issuing officer's signature
City and state: Brooklyn, New York
Hon. Vera M. Scanlon, USMT
 Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
 at (city and state) _____

Date: _____

Arresting officer's signature

Printed name and title

AO 442 (Rev. 01/09) Arrest Warrant (Page 2)

This second page contains personal identifiers provided for law-enforcement use only and therefore should not be filed in court with the executed warrant unless under seal.

(Not for Public Disclosure)

Name of defendant/offender: _____

Known aliases: _____

Last known residence: _____

Prior addresses to which defendant/offender may still have ties: _____

Last known employment: _____

Last known telephone numbers: _____

Place of birth: _____

Date of birth: _____

Social Security number: _____

Height: _____ Weight: _____

Sex: _____ Race: _____

Hair: _____ Eyes: _____

Scars, tattoos, other distinguishing marks: _____

History of violence, weapons, drug use: _____

Known family, friends, and other associates (name, relation, address, phone number): _____

FBI number: _____

Complete description of auto: _____

Investigative agency and address: U.S. DEPARTMENT OF STATE, BUREAU OF DIPLOMATIC SECURITY
1801 N. LYNN ST
ROSSLYN, VA 22209



Name and telephone numbers (office and cell) of pretrial services or probation officer (if applicable):

N/A

Date of last contact with pretrial services or probation officer (if applicable): N/A

JAP:PWB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- x
UNITED STATES OF AMERICA

- against -

OMAR MOHAMMED AHMED AL FAREI,
Defendant.

FILED UNDER SEAL

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF ARREST
WARRANT

(T.18, U.S.C. 1546)

----- x
EASTERN DISTRICT OF NEW YORK, SS:

Bert Seay, being duly sworn, deposes and states that he is a Special Agent with the United States Department of State, Diplomatic Security Service, duly appointed according to law and acting as such.

On or about April 22, 2014, within the Eastern District of New York, the defendant OMAR MOHAMMED AHMED AL FAREI did knowingly and willfully use and attempt to use a United States visa that was procured by means of a false claim or statement and otherwise procured by fraud and unlawfully obtained.

(Title 18, United States Code, Section 1546)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances of which I am aware.

1. I am a Special Agent with the United States Department of State, Diplomatic Security Service (“DSS”) and have been involved in the investigation of numerous cases involving United States visas procured by fraud. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. In August 2014, DSS received information from the Department of Homeland Security, Office of the Inspector General (“DHS-OIG”) that DHS-OIG had received an anonymous tip that certain Yemeni national employees working in the non-immigrant visa unit of the U.S. Embassy in Sanaa, Yemen were helping other Yemeni nationals in procuring non-immigrant visas to the United States in exchange for money. The visa applications obtained in this manner contained numerous false statements – principally with respect the purpose of the visa applicants’ travel to the United States and the visa applicants’ employment.

3. On or about April 22, 2014, the defendant OMAR MOHAMMED AHMED AL FAREI arrived at John F. Kennedy International Airport (“JFK”) in Queens, New York, Saudi Arabian Airlines, Flight number 23, which had departed from, Riyadh, Saudi Arabia. Upon arrival at JFK, the defendant presented a valid Yemeni passport (No.05505057). The passport contained a B1/B2 United States entry visa, Visa Foil No. F8124273, issued by the United States Department of State, Bureau of Consular Affairs on April 12, 2014. The defendant was applying for entry as a visitor for business.

4. DSS agents were able to review the visa application for the defendant, OMAR MOHAMMED AHMED AL FAREI which was submitted on February 22, 2014 and

presented to a U.S. Consular Officer at the U.S. Embassy in Sanaa, Yemen on April 12, 2014. In his visa application, the defendant stated, among other things, that he was a "Purchaser/Farm Owner" of "Abo Mohammed for Yemen Coffee." The defendant also stated in his visa application that the purpose and intent of his trip to the United States was to attend the "26th Specialty Coffee Event" in Seattle, Washington for 10 days.

5. In January of 2014, DSS agents received information from the Yemeni Ministry of Commerce and Information confirming that the "Abo Mohammed for Yemen Coffee" is not a registered or legitimate company in Yemen.

6. In January, 2014, DSS agents spoke to the senior registration manager of the "The 26th Specialty Coffee Event." This individual stated that the defendant, OMAR MOHAMMED AHMED AL FAREI never registered to attend the conference. Furthermore, the defendant did not actually attend the conference. In addition, a review of law enforcement databases uncovered no evidence that the defendant ever travelled to Seattle, Washington after he arrived at JFK and that the defendant listed a New York, N.Y. address for "address while in United States" on his 1-94 customs form and immigration form which was not disclosed in his visa application.

7. A review of State Department databases reveals that the defendant OMAR MOHAMMED AHMED AL FAREI has been a "visa overstay" since October 22, 2014.

WHEREFORE, your deponent respectfully request that the defendant OMAR MOHAMMED AHMED AL FAREI be dealt with according to law.

Bert Seay
Special Agent
United States Department of State
Diplomatic Security Service

Sworn to me before this
28th day of January, 2015

THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

Case No:

15-30054

Omar Mohammed Ahmed
AL FareiAPPOINTMENT OF FEDERAL DEFENDER OFFICE

FEB 06 2015
CLERK'S OFFICE
U.S. DISTRICT COURT

 MULTIPLE DEFENDANT CASE DEFENDANT IN CUSTODY NON-ENGLISH SPEAKING

LANGUAGE: _____

VIOLATION: _____

CASE TYPE: _____

The defendant has qualified for the appointment of counsel under the Criminal Justice Act.

IT IS ORDERED that the Federal Defender Office, 613 Abbott, 5th fl., Detroit, Michigan 48226, telephone number (313) 967-5555, is appointed to represent this defendant in this case, unless the appointment is terminated by (1) Order of the Court, (2) appointment of substitute counsel, or (3) appearance of retained counsel.

NEXT COURT DATE: _____

TBD.

Dated: 2-6-15


 United States District Judge/Magistrate Judge

AUSA Assigned: _____

PARTIAL PAYMENT ORDER

IT IS ORDERED that partial payment be made by the defendant in the amount of _____ monthly, commencing on _____, until this case is terminated or otherwise ordered by the Court. Payment shall be made to the **Clerk of the Court, Theodore Levin United States Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226**.

Defendant's Name, Address & Telephone Number:

United States District Judge/Magistrate Judge

Defendant's Signature

EDM 0044
01/96

ORIGINAL

UNITED STATES DISTRICT COURT

for the

EASTERN

District of

MICHIGAN

FEB 06 2015
CLERK'S OFFICE
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

CONSENT
ORDER OF DETENTION PENDING TRIAL

v.

Omar Mohammed Ahmed
Defendant Al Farei

CASE NO: 15-30054

Part I—Findings of Fact

The defendant in open court, and with the advice of counsel, consented to detention reserving the right to have a detention hearing at a later time.

Part II—Statement of the Reasons for Detention

Based upon the consent of the defendant, detention is ordered. The defendant may request a detention hearing at a later date.

Part III—Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or a designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility must deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

2/6/15

Date

Mona K. Majzoub

MONA K. MAJZOUB

UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

**WAIVER OF RULE 5 AND 5.1 HEARINGS
(Excluding Probation Violation Cases)**

v.

Case No. 15-30054
Originating No. 15M102

OMAR MOHAMMED AHMED AL FAREI

Defendant.

I understand that in the Eastern District of New York, charges are pending alleging Visa Fraud - 18 U.S.C. Section 1546 and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of my right to:

1. Retain counsel or request the assignment of counsel if I am unable to afford one.
2. Request transfer of the proceedings to this district pursuant to Fed. R. 20, in order to plead guilty.
3. Have an identity hearing to determine if I am the person named in the charge.
4. Have a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me; the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

() identity hearing
() preliminary examination

2
FEB 06 2015
CLERK'S OFFICE
U.S. DISTRICT COURT

() identity hearing and have been informed I have no right to a preliminary hearing

identity hearing but request a preliminary hearing to be held in the district of
prosecution

and therefore consent to the issuance of an order requiring my appearance in the
prosecuting district where the charges is pending against me.

MAR

Defendant

Date: 2/6/15

Penny R. Beardlee
Penny R. Beardlee
Counsel for Defendant

Date: 2/6/15

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

v.

Case No. 15-36054
Origination No. 15M102

FEB 06 2015
CLERK'S OFFICE
U.S. DISTRICT COURT
DETROIT, MICHIGAN

OMAR MOHAMMED AHMED AL FAREI,

Defendant.

ORDER TRANSFERRING DEFENDANT TO
ANSWER TO CHARGES PENDING IN ANOTHER
DISTRICT AND COMMITMENT TO THAT DISTRICT

This matter coming before the Court on the Government's Petition for Removal, for the reasons stated on the record and pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure, it is hereby ordered that OMAR MOHAMMED AHMED AL FAREI be held to answer to the charges pending against him in the Eastern District of New York in the case of United States v. OMAR MOHAMMED AHMED AL FAREI.

Defendant has been ordered detained pursuant to the Bail Reform Act of 1984 (18 U.S.C. Section 3141 et seq.) Accordingly, it is also ordered that the United States Marshals Service take custody of defendant and transport him, together with a certified copy of this order and commitment, to the **Eastern District of New York**, and deliver defendant to the United States

Marshals for that district or to some other officer authorized to receive defendant.



United States Magistrate Judge

Entered: 2/6/15

RETURN

This commitment was received and executed as follows:

Date Commitment Order Received	Place of Commitment	Date Defendant Committed
--------------------------------	---------------------	--------------------------

Date	United States Marshal (By) Deputy U.S. Marshal
------	--

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

United States of America,

Plaintiff(s),

v.

Case No. 2:15-mj-30054-DUTY

Omar Mohammed Ahmed Al
Farei,

Defendant(s).

**NOTICE OF TRANSFER PURSUANT TO RULE 5(c)(3)(E)
OF THE FEDERAL RULES OF CRIMINAL PROCEDURE**

TO: U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK

Enclosed are certified copies of the Order returning this case to your Court pursuant to Fed. R. Crim P. 5(c)(3)(E) and the docket sheet. The case record is electronic and can be viewed at our Court's Intranet website via the J-Net.

Please acknowledge receipt of this record by returning a time-stamped copy of this notice to:

Clerk's Office
U.S. District Court for the Eastern District of Michigan
231 W. Lafayette Boulevard, 5th Floor
Detroit, Michigan 48226
(313) 234-5005

Certification

I hereby certify that this Notice was electronically filed, and the parties and/or counsel of record were served.

DAVID J. WEAVER, CLERK OF COURT

By: s/ D. Peruski
Deputy Clerk

Dated: February 9, 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
CR. NO. 15-30054

vs. HONORABLE Unassigned

OMAR MOHAMMED AHMED AL FAREI,

Defendant.

APPEARANCE

To the Clerk of this Court and all parties of record:

Enter my appearance as Counsel in the case for Defendant.

I certify that I am admitted to practice in the Court.

Respectfully Submitted,

LEGAL AID & DEFENDER ASSN., INC.
FEDERAL DEFENDER OFFICE
Attorneys for Defendant

/s/ Penny Beardslee
613 Abbott Street, 5th Floor
Detroit, Michigan 48226
313/967-5848
E-mail:penny_beardslee@fd.org
P44363

Date: February 9, 2015

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,
CR. NO. 15-30054

vs. HONORABLE Unassigned

OMAR MOHAMMED AHMED AL FAREI,

Defendant.

/

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2015, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Graham L. Teall
Assistant U.S. Attorney
211 W. Fort Street, Suite 2001
Detroit, Michigan 48226

Respectfully Submitted,

LEGAL AID & DEFENDER ASSN., INC.
FEDERAL DEFENDER OFFICE

/s/Penny Beardslee
Penny R. Beardslee
Attorney for Defendant
613 Abbott Street, 5th Floor
Detroit, Michigan 48226
Phone: (313) 967-5854
E-mail: penny_beardslee@fd.org
P 44363